



**Dated: December 03, 2009**

**The following is ORDERED:**

A handwritten signature of Tom R. Cornish in black ink, written over a horizontal line.

Tom R. Cornish  
UNITED STATES BANKRUPTCY JUDGE

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

In Re:

**FRANK PATRICK LOWERY**  
**SANDRA ARLENE LOWERY,**  
Rt. 2, Box 95-1  
Stilwell, OK 74960

Case No. 09-81722  
Chapter 7

Debtors.

**ORDER DISMISSING FRANK LOWERY**

This matter came on for status hearing before the Court on November 18, 2009, on this Court's Notice of Incomplete Filings entered October 5, 2009, and Order of October 22, 2009, requiring Frank Lowery to appear before the Court regarding Employee Income Payment Advices. The Court conducted the status hearing but Mr. Lowery did not appear. This Court granted him until November 25, 2009, to file Employee Income Payment Advices or the case would be dismissed as to him.

A debtor shall file copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor. 11 U.S.C. 521 (a)(1)(B)(iv). If no payment advices were received, a debtor must file a

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verified statement of that fact with the court. Local Rule 1007-I[Interim]-1G. Within forty-five (45) days after the date of the filing of the petition a debtor must file the payment advices or statement that none were received . If the debtor does not comply or request additional time, “the case shall be automatically dismissed effective on the 46th day . . . .” 11 U.S.C. 521 (i)(1).

Mr. Lowery’s deadline for complying with 11 U.S.C. § 521(a)(1) and avoiding automatic dismissal was November 19, 2009. This Court allowed Mr. Lowery additional time to comply with its orders and this statute, however, no payment advices or verified statement explaining his failure to file them has been received by the Court. Mr. Lowery has made no request for additional time to file the missing information. Therefore, the Court finds that Mr. Lowery has not satisfied his disclosure obligations in a timely manner as required by 11 U.S.C. § 521(a)(1)(B)(iv) and (i)(1), therefore the case shall be dismissed as to him only.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case is dismissed as to Debtor Frank Patrick Lowery.

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